

**REMARKS**

Claims 1-20 are all the claims pending in the application. By this Amendment, Applicants add claims 19-20, which are supported by *at least* page 10, lines 4-25 of the specification.

***Claim Rejections - 35 U.S.C. § 103***

Claims 1-2, 5, and 8-9

Claims 1-2, 5, and 8-9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,864,547 to Strodtbeck *et al.* ("Strodtbeck") in view of U.S. Patent No. 4,999,583 to Washburn *et al.* ("Washburn"). For *at least* the following reasons, Applicants respectfully traverse the rejection.

Applicants respectfully submit that claim 1 is patentable over Strodtbeck, Washburn, or any conceivable combination thereof. For example, claim 1 relates to a method for dynamically determining the power compression point of an amplifier in a distributed network under the control of a computer. The network has a first terminal that includes the amplifier, and the first terminal is operatively coupled to a plurality of second terminals by a communication channel. The method comprises generating bit error rate (BER) messages indicative of measured BER for a signal transmitted at N power levels at the second terminals. The Examiner contends that Strodtbeck, in col. 5, lines 10-60, and col. 6, lines 17-47, discloses this feature. Applicants respectfully submit that the Examiner is misinterpreting the teachings of Strodtbeck.

Strodtbeck is directed to a method and system for controlling uplink power in a satellite communication system. In Strodtbeck, a downlink error rate of the data in a downlink data stream is determined based on known data bits. Next, an end-to-end error rate of the uplink data stream and the downlink data stream is determined. Signal transmission is then controlled based

on the error rate of the downlink error rate and the end-to-end error rate. However, to the extent that Strodtbeck is directed to uplink power control, Applicants respectfully submit that the method employed by Strodtbeck is different from the method set forth in claim 1.

For instance, Strodtbeck does not disclose that its downlink error rate is determined for a signal transmitted at N power levels as set forth in claim 1. Strodtbeck discloses that a receiving terminal 12 extracts the signal of interest from a transmitting terminal 11 to evaluate link quality (Strodtbeck, FIGS. 1-2, col. 5, lines 10-11, and lines 20-24). Strodtbeck further discloses that a link quality measurement consists of only one downlink error rate estimate and one end-to-end error rate estimate. Many such measurements are averaged for the extracted signal for each update of a power control loop (Strodtbeck, col. 6, lines 17-18, and lines 37-38). As such, the downlink error rate measurements are taken from the one extracted signal in each power control loop. There is no disclosure that of generating bit error rate messages indicating a bit error rate for a signal transmitted at N power levels. That is, no common control signal is transmitted by the transmitting terminal 11 to the receiving terminal 12, at N power levels, in Strodtbeck. Strodtbeck does not explicitly disclose or implicitly require that the same signal is transmitted by the terminal 11 to the receiving terminal 12 at N power levels. Moreover, Washburn does not cure the deficient teachings of Strodtbeck.

Therefore, Applicants respectfully submit that Strodtbeck and Washburn, alone or in combination, do not disclose all the features of claim 1 in as complete detail as set forth in the claim. Accordingly, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. § 103(a) rejection of claim 1.

Claim 2 depends from claim 1. Therefore, claim 2 is patentable *at least* by virtue of their dependency.

Claim 5 recites features similar to those discussed above with respect to claim 1. For example, claim 5 recites transmitting a signal at N power levels to the second terminals.

Therefore, claim 5 is patentable for reasons similar to those given above with respect to claim 1.

Claims 8-9 depend from claim 5. Therefore, claims 8-9 are patentable *at least* by virtue of their dependency.

Claims 3-4 and 6-7

Claims 3-4 and 6-7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Strodtbeck in view of Washburn, and further in view of U.S. Patent No. 5,991,280 to Ichiyoshi. Since claims 3-4 and 6-7 depend from claims 1 and 5, respectively, and since Ichiyoshi does not cure the deficient teachings of Strodtbeck and Washburn with respect to claims 1 and 5, Applicants respectfully submit that claims 3-4 are patentable *at least* by virtue of their dependency.

Claims 10-18

Claims 10-18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Strodtbeck in view Ichiyoshi. For *at least* the following reasons, Applicants respectfully traverse the rejection.

Claim 10 recites examining a plurality of control burst bit error rate (CB BER) measurement reports, respectively corresponding to a signal transmitted at N power levels. Therefore, claim 10 is patentable for reasons similar to those given above with respect to claim 1.

Claims 11-13 depend from claim 10. Therefore, claims 11-13 are patentable *at least* by virtue of their dependency.

Claim 14 recites examining a plurality of control burst bit error rate (CB BER) measurement reports, respectively corresponding to a signal transmitted at N power levels. Therefore, claim 14 is patentable for reasons similar to those given above with respect to claim 1.

Claims 15-18 depend from claim 14. Therefore, claims 11-13 are patentable *at least* by virtue of their dependency.

***New claims***

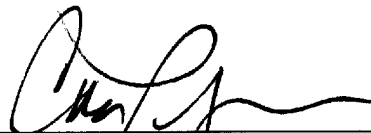
New claims 19-20 are patentable *at least* by virtue of their dependency on claim 5.

***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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